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Advance Fall styles in our
Boys' Fine Clothing
 have arrived
 Suits **\$2.25 to \$20**

New Fall Styles

First Showing in this City

Our fine stock is budding with three
 large shipments of the latest Fall
 creations for 1907, right from the
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Makers--New York

"The Correct Clothes for Men"

Exclusive Patterns

In rich browns, grays, and blue grays, in
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 We are showing the
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The best \$3.00 hat on earth,
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Exclusive Patterns

Coat shirts with attached
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\$1.00, \$1.50, \$2.00

We have every thing in
 Men's Furnishings

The Brownsville Woolen Mill Store

JUDD BROS., Props

557 Commercial St., Near 12th

NO DECISION YET

(Continued from page 1)

unlawful; third, it must have been wilful; fourth, it must have been deliberated upon; fifth, it must have been premeditated; sixth, it must have been accompanied by malice in the mind of the person or persons doing the killing, and unless these features and each and every one of them are proven to your satisfaction beyond a reasonable doubt, then the defendant can not in any event be convicted of murder in the first degree.

The language of the statute is given as to murder in the first and second degree, and voluntary and involuntary manslaughter. Continuing, Judge Wood said:

"The court instructs the jury that under the law no jury should convict a citizen or citizens of crime simply because there is strong reason to believe that he is guilty, but before the jury can lawfully convict they must be convinced of the defendant's guilt beyond all reasonable doubt.

"If it is possible for you to reconcile the fact in this case upon any reasonable theory consistent with the innocence of the defendant, William D. Haywood, it is your duty to do so and find the defendant not guilty."

"I further instruct you, gentlemen of the jury, that while proof has been admitted of the commission of other crimes by the defendant and his associates, and tending to prove the commission of such other crimes by them, that it has only been admitted for the purpose of showing the existence of a conspiracy to accomplish certain objects

and that such crimes and if the crimes resulting in the death of ex-Governor Steunenberg as well, were all incidents of such conspiracy; but you must not forget that the defendant is being tried for the murder of Steunenberg and for that crime alone. But you are privileged to take such other matters into consideration as part of the evidence in the case and as incidents and circumstances bearing upon the question of his guilt upon the charge of the murder of Frank Steunenberg.

"It makes no difference, however, in this case what crimes have been committed in Colorado, in the Coeur d'Alenes, and elsewhere, or who is responsible for the commission of such crimes, if any there be. The defendant can not be convicted unless the state has established beyond a reasonable doubt that he has been guilty of the felonious killing of Frank Steunenberg.

"A conspiracy, within the meaning of the criminal law, consists of a combination between two or more persons for the purpose the accomplishment of a criminal or unlawful object, or a lawful object in an unlawful manner. As applied to this case and under this indictment, proof of conspiracy is only proper insofar as it may tend to show a common design to encourage the particular murder charged against the defendant, and it can only be introduced for the purpose of establishing the position of the members of the combine as accessories to the crime of murder.

"It is not essential to the formation of a conspiracy that there should be a formal agreement between the parties to do the act charged. It is sufficient if the minds of the parties meet understandingly, so as to bring about an intelligent and deliberate agreement to

do such acts, and commit the crimes charged, although such agreement be not manifested by any formal words. A conspiracy in the first instance may be established by evidence having no relation to the defendant, by acts of different persons at different times or places, or by any other circumstances which prove its existence. It is sufficient if the state prove beyond a reasonable doubt that such a conspiracy existed at the time of the commission of the unlawful act, and that the defendant on trial was a member of such conspiracy. An act done by a party to an unlawful conspiracy in furtherance thereof and naturally flowing from the common design, is the act of each and all of the conspirators. And where murder is committed as a result of such a conspiracy, each of the conspirators, even though he was not present at the place of the crime, if he aided, abetted and encouraged the commission of the unlawful acts in the crime charged.

"If the prosecution has failed in these facts beyond a reasonable doubt, you should find the defendant not guilty. If, however, you believe in this case from the evidence beyond a reasonable doubt, that the defendant, William D. Haywood, aided, abetted, advised and encouraged the killing of Frank Steunenberg, then the defendant is guilty and it would be immaterial whether he was actually present at the time of the killing or not.

"The jury is instructed that the witness, Harry Orchard, claims that he was an accomplice in the commission of the offense charged in the indictment. Under the statutes of this state, a person can not be convicted of a crime upon the testimony of an accomplice unless such accomplice is corroborated by other evidence which of itself and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

"By corroborative evidence is meant additional evidence of a different character to the same point.

"The law views with distrust the testimony of an accomplice on account of the motive he may have for laying the responsibility of his crime upon another when by so doing he may secure immunity for his own participation in the crime charged. For this reason, the law exacts such corroboration and although the jury may believe that the testimony of an accomplice is true, still, the jury could not convict the defendant upon such testimony unless they further find that the testimony of the accomplice is corroborated by other and independent evidence.

"This corroborative evidence need not be sufficient of itself to establish the guilt of the defendant, but it must tend in some degree to implicate and connect the defendant with the commission of the crime charged.

"In order to ascertain whether or not the testimony is corroborated, as the law provides it must be, before a conviction would be warranted, you should eliminate from the case the evidence of the accomplice and examine the evidence of the other witnesses with a view to ascertaining if there be evidence tending to connect the defendant with the offense. If there is, the accomplice is corroborated; if there is no inculpatory evidence, there is no corroboration, though the accomplice may be corroborated in regard to any number of facts sworn to by him.

"In this case the state relies upon circumstantial evidence to establish the connection of the defendant with the conspiracy sought to be proven by the evidence taken in connection with the direct testimony of the accomplice, Harry Orchard.

"In order to justify an inference of legal guilt from circumstantial evidence the existence of the inculpatory facts must be absolutely incompatible with the innocence of the accused upon any rational theory, and incapable of explanation upon any reasonable hypothesis other than that of his guilt.

"If you believe from the evidence that the witness, Harry Orchard, was induced or influenced to become a witness and to testify in this case, by any promise of immunity from prosecution or punishment or by any hope held out to him that if he testified against the defendant he would not be prosecuted or punished, then the jury should take such facts into consideration and determine the weight which ought to be given to testimony so obtained. Such testimony should be received by the jury with caution and scrutinized with great care.

"And, if from the evidence it appears that any favors have been extended by the authorities of the State of Idaho to the witness, Harry Orchard, and there is any promise, either expressed or implied, relating to further favors to be received by him on account of his testimony in this case, then those are proper matters for the consideration of this jury as affecting the credibility of his testimony.

"Certain articles have been received in evidence from the miners' magazine for the sole purpose of determining whether or not any motive existed upon the part of the defendant to participate in the offense charged in the indictment and not for the purpose of establishing

in any wise the commission of such an offense.

"The jury is further instructed that by statutory provision the defendant in a criminal case is made a competent witness in his own behalf, and where he testifies, as in this case becomes the same in all respects as any other witness and his testimony must be tested by the same rules or tests that are applied to other witnesses, and the jury may take into consideration the interest he may have in the case in determining the weight to be given to his testimony.

"In conclusion you are to determine the question as to whether or not the defendant killed and murdered Frank Steunenberg as charged in the indictment, or aided and abetted such killing. If so you should find him guilty; if not, you should find him not guilty.

"Under the indictment in this case, the defendant may, if the evidence warrants it, be convicted of murder of the first degree, murder of the second degree, or manslaughter."

THE GLASS JURY OUT

(Continued from Page 1)

the jury charged them that it was not necessary that there should be direct evidence of expressed argument of alleged conspiracy, but the prosecution must prove beyond a reasonable doubt the bribing of Doxton, the connection of the defendant with the giving of that bribe even if the bribing is proved beyond doubt.

He charged further that if the prosecution failed to prove the connection of the defendant with that crime then the verdict should be not guilty.

BRYAN ASSISTS INJURED WOMAN.

STORM LAKE, Iowa, July 27.—While being driven from the Chautauqua in an auto yesterday afternoon, the car in which W. J. Bryan was riding collided with another, throwing the driver and a passenger, pretty Mrs. H. W. Deal, onto the sidewalk. Mr. Bryan jumped from his car, lifted the injured woman into a seat and drove her home.

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MRS. CARTER INDICTED.

She Received \$15,000 From Runyan and Took \$10,000 When Not Looking.

NEW YORK, July 27.—Laura M. Carter, the woman who betrayed Chester B. Runyan, the paying teller of the Windsor Trust Company, who stole \$206,000, to the police, has been indicted for receiving stolen goods. Runyan says he gave her \$15,000 of the \$20,000 in cash he stole and that she took another \$10,000 when he was not looking.

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